

Public Comments on Whole Body Contact Recreation Use  
and Department Recommendation for Use Designation

WBID 1710 & 1711 River des Peres

Missouri Department of Natural Resources  
Water Protection Program

River des Peres

1062

11-1 2011:21

WATER PROTECTION ACT

Diane J. Albright  
8835 Glenwood Dr.  
Crestwood, MO 63126  
November 23, 2005

Stacia Box

Use Attainability Analysis Coordinator  
P.O. Box 176  
Jefferson City, MO 65102-0176

Dear Ms. Box,

I am writing to request the Missouri Clean Water Commission's September 7, 2005 decision, to exempt several water bodies in the St. Louis Region, be reconsidered. The new state water quality rules apply to these three water bodies, too. It is a matter of public health.

Although my request is for all three, I offer my own personal experience on the Mississippi River to counter the argument about people not engaged in "intentional whole body contact" in this section of the river. Not true!

I canoe and camp on the Mississippi River. This is an annual event with friends. We plan the trip during the summer when temperatures are frequently well above 80°F. Three days on the river provide us with the opportunity to immerse ourselves and we do, floating & swimming where the river permits.

But as tricky as the currents, undertows, boils + etc. are on the Mississippi River, the hazard of swimming & wading in polluted waters or camping on sandbars, which are seasonally flooded, is equally on my mind during these forays. The joy, for me is overshadowed by the knowledge that the river is not clean, nor is it going to be in the near future.

Living next to such a natural treasure, like the Mississippi River beckons. Whether my intent is to swim or fish or not, should not be the criteria on which public health concerns be weighed. People will be in the water.

Interpretation of the Clean Water Act and Missouri's subsequent rules and laws needs to be realistic and not pander to special interests.

Thank you for considering my comment.

Sincerely,  
Diare J. Albright

CC. Ms. Bonnie Hiseck, EPA Region VII



Ms. Diane J. Albright  
8835 Glenwood Dr  
Saint Louis, MO 63126-1930

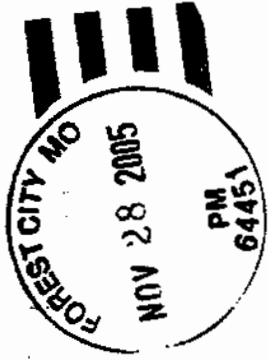
SAINT LOUIS MO 631

25 NOV 85 PM 02 L



Ms. Stacia Box  
Use Attainability Analysis Coordinator  
P.O. Box 176  
Jeff City, MO 65102-0176

Albright, Diane  
282



River des Peres

clean water - Stacia Bax/WPCP/DEQ/MODNR

Heissinger, Heinrich



"Heinrich Heissinger"  
<heihk75@hotmail.com>  
10/29/2005 12:58 PM

To stacia.bax@dnr.mo.gov

cc

bcc

Subject clean water

I understand that a large stretch of the Mississippi River near St. Louis and its tributaries Des Peres River and Moline Creek have been exempted from new state water quality rules.

I grew up in Europe, and back then the Rhine River was totally polluted and without fish. Over the past 30 years it was cleaned up to the point that Salmon have returned to the Rhine.

We should clean up our rivers also, and keep them clean. Let's face it, sooner or later we will be forced to do so anyhow out of concern for the health of our population. The longer we wait, the more difficult and costly it will be.

Please be supportive of this cause,

Dr. Heinrich K. Heissinger  
618 Dougherty View CT  
Des Peres  
MO 63131-2214  
314 / 821 5270

PS: I use the Missouri River recreationally, mainly for fishing.

River des Peres

Gorry, John

From: Linda Mebruer/WPCP/DEQ/MODNR on 10/26/2005 01:34 PM  
To: Stacia Bax/WPCP/DEQ/MODNR@MODNR  
On:

### While You Were Out

Contact:

John Gorry

of

Pacific, MO

Phone:

(636) 257-8371

FAX:

☒ Telephoned

☐ Will Return

☒ Please Call

☐ Left Package

☐ Will Call Again

☐ Please See Me

☐ Returned Call

☐ Urgent

☐ Was In

Message:

RE: Just read the news article about River Des Peres, Maline Creek, etc

10-27-05 7:55am left message for me to call him ~10-27-05  
3:30pm

River des Peres → canoe'd

sent email to Paul Morris, SCRO  
10-28-05

- lives in Pacific area

- Saturday night/Sunday morning  
Meramec R.

- maybe once/twice a month

- smells bad around

green dye color  
neon

like do cave  
search

- swam

1970's + early 1980's

where Deer Creek +

River des Peres meet

(childhood - summer every other day)

- skis @ Alton

- @ accidental swim in River des Peres in Forest  
Park. ~5-8 yrs. ago.

- Kayaks - River des Peres - concrete dam @ confluence

River du Peres - part S. Broadway - right  
before locks area - concrete gates that  
went into Miss. R.

---

1974 flood → Red Cross asked questions +  
given shots while helping w/ sand bags - thought  
strange since always play in water.

---

→ Been in many streams in St. Louis area.

---

## Swam

- Clift Cave Park → S. of Meramec R  
confluence on Miss R.  
off Telegraph Road. Once/twice a year
- Jefferson Barracks <sup>Mem. Park</sup> - Hwy 270 + Miss R  
North ~ 1 mile once/twice a year.
- sometimes oil slicks on Miss. R.
- Caver
- 1980's early 1990's 4 or 50 times a year  
- large group - various ages
- wash off in Miss. R - swim + splashed



River Des Peres

Fw: River Des Peres - Stacia Bax/WPCP/DEQ/MODNR

Light, Joe



Marlene  
Kirchner/WPCP/DEQ/MODNR

09/20/2005 03:52 PM

To Phil Schroeder/WPCP/DEQ/MODNR@MODNR, Stacia  
Bax/WPCP/DEQ/MODNR@MODNR, Linda  
Mebruer/WPCP/DEQ/MODNR@MODNR

cc

bcc

Subject Fw: River Des Peres

Marlene Kirchner  
Program Secretary  
Water Protection Program  
(573) 751-6721

----- Forwarded by Marlene Kirchner/WPCP/DEQ/MODNR on 09/20/2005 03:52 PM -----



"Joe Light"  
<mocaver@yahoo.com>

09/20/2005 01:29 PM

Please respond to  
Joe@joelight.com

To marlene.kirchner@dnr.mo.gov, dsherburne@moenviron.org

cc

Subject Fwd: River Des Peres

Hello,

In regards to my previous email. My canoe trip took place between Morganford and Highway 55.

Joe

Note: forwarded message attached.

----- Message from "Joe Light" <joe@joelight.com> on Tue, 13 Sep 2005 11:52:23 -0700 (PDT) -----

To: marlene.kirchner@dnr.mo.gov, dsherburne@moenviron.org

Subject: River Des Peres

Hi All,

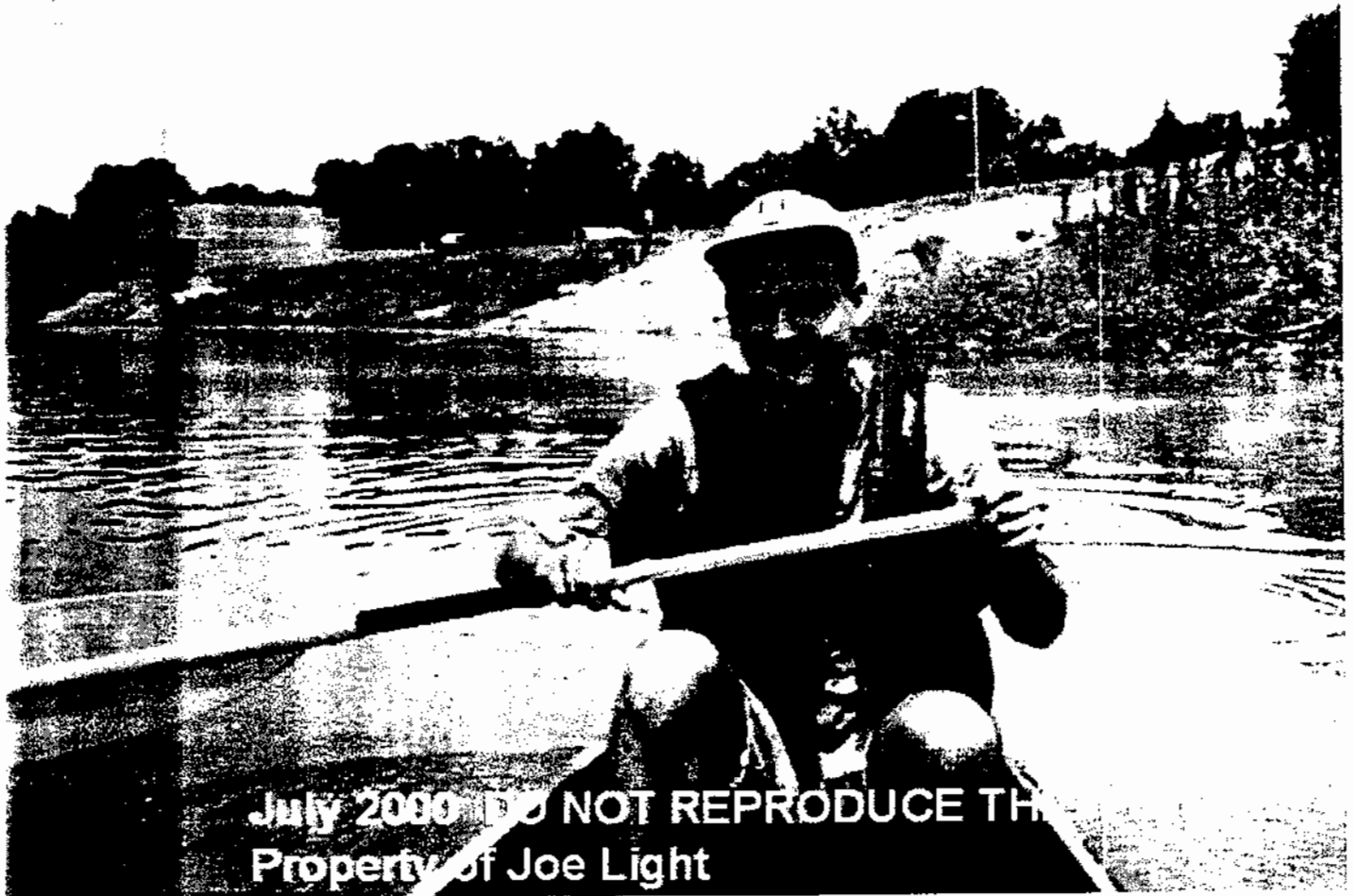
Here is some proof that the River Des Peres is used for recreation.

I paddled the RDP in July 2000.

If you need more information, drop me an email or call me at 314-644-7071.

If the River Des Peres was cleaner, I would paddle it more often.

Joe



July 2000 DO NOT REPRODUCE THIS  
Property of Joe Light

River des Peres

Light, Joe  
1062  
7026 Sutherland Ave  
St. Louis, MO 63109  
November 4, 2005

WATER PROTECTION PROGRAM

2005 NOV -7 PM 12:43

RECEIVED

Stacia Bax  
Use Attainability Coordinator  
P.O. Box 176  
Jefferson City, MO 65102-0176

Dear Stacia,

I'm writing this letter in regards to the River Des Peres and the Clean Water Act. I understand that the River Des Peres is being declared exempt from the Whole Body Contact provision because it not used.

I have used the River Des Peres, in the City of St. Louis for recreational purposes. I have canoed the river between Interstate 55 and Morganford Ave in July 2000. Attached is a picture of me in my canoe in the River Des Peres. The picture was taken by my friend, Jim Ruedin, who accompanied me on the trip.

When canoeing a river, you come in full contact with the water of the river. Because the water in the river is not properly cleaned, I am at risk of becoming sick or infected from the water.

In addition to my use of the river, the City of St. Louis has built a network of paved pedestrian walkways along the river, these walkways, will greatly increase the amount of people that are exposed to the river.

Since this river is a health risk to me and the public, I ask you to keep the "Whole Body Contact" designation for the River Des Peres.

If you have any questions, regarding my use of the River Des Peres, please contact me at the address above, by phone at 314-644-7071, or via email at Joe@JoeLight.com

Sincerely,



Joe Light



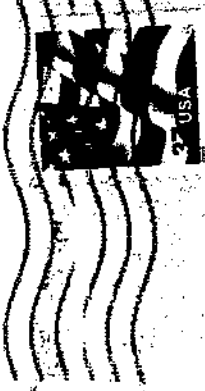
Joel Light

7026 Sutherland Ave

St. Louis, MO 63109

SAINT LOUIS MO 631

05 NOV 05 PM 07 L



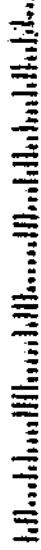
Stacia Bax

Use Attainability Coordinator

PO Box 176

Jefferson City, MO 65102-0176

65102-0176



Light, Joe  
2 of 2

River des Peres

Lihou, Leslie

Fw: WBCR exemption: River des Peres - Stacia Bax/WPCP/DEQ/MODNR



Marlene  
Kirchner/WPCP/DEQ/MODNR  
R

09/19/2005 08:38 AM

To Phil Schroeder/WPCP/DEQ/MODNR@MODNR, Stacia  
Bax/WPCP/DEQ/MODNR@MODNR, Linda  
Mebruer/WPCP/DEQ/MODNR@MODNR

cc

bcc

Subject Fw: WBCR exemption: River des Peres

Marlene Kirchner  
Program Secretary  
Water Protection Program  
(573) 751-6721

----- Forwarded by Marlene Kirchner/WPCP/DEQ/MODNR on 09/19/2005 08:37 AM -----



"Leslie Lihou"  
<leslielihou@brick.net>

09/16/2005 07:25 PM

To Marlene.kirchner@dnr.mo.gov

cc

Subject WBCR exemption: River des Peres

Dear Ms. Kirchner,

With other group members I have been wading IN the headwaters of the River de Peres performing water quality monitoring, mapping the stream and removing honeysuckle from the streambank of Ruth Park woods in University City. We are preparing the woods to be an outdoor education ecosystem for the Green Center. Although I wore gloves and boots to minimize contact, during our activities water splashed occasionally into our faces and people stumbled in the water. Adults and children probably will access and contact the stream in the future. Therefore, the stream meets criteria for "whole body contact". The stream especially should not be exempted without legally required citizen input.

Sincerely,

Leslie Lihou  
7008 Amherst Ave.  
St. Louis, MO 63130



**Metropolitan  
St. Louis Sewer  
District**

Division of Environmental Compliance  
10 East Grand Avenue  
St. Louis, MO 63147-2913  
(314) 436-8710  
FAX (314) 436-8753

Lodderhose, John  
182

WATER PROTECTION PROGRAM

2005 AUG 23 PM 4:14

RECEIVED

August 23, 2005

Ms. Marlene Kirchner  
Secretary, Missouri Clean Water Commission  
P.O. Box 176  
Jefferson City, MO 65102

Re: Supplemental Information for the River des Peres Whole Body Contact Use  
Attainability Analysis (Missouri Water Body Identification #1710 and 1711)

Dear Ms. Kirchner:

The purpose of this correspondence is to clarify the findings of the River des Peres Whole Body Contact Recreation (WBCR) Use Attainability Analysis (UAA), prepared by MEC Water Resources, Inc. This UAA was submitted to the Missouri Department of Natural Resources (MDNR) on July 14, 2005. MDNR reviewed this report and interpreted the findings as "inconclusive". The following information and clarifications are provided to allow conclusive use attainability decisions.

The conclusions of the MDNR UAA review were apparently based on a misinterpretation of the UAA interview information in the report. MDNR concluded that: "Several interviews were conducted indicating that WBCR use was once an active use during moderate to high flow conditions, and children still wade and play in the river." We feel that this statement is not representative of the study findings. While this study did include numerous interviews, very few interviewed individuals reported observing any recreational uses within the classified stream segments. These observations were very infrequent, separated by many years. Only two interviewed individuals (Recker and Senseney's) reported observing individual(s) swimming, with the most recent observation approximately 10 years ago. Two other individuals (McKern and Gash) that live within close proximity reported observing water skiing during the 1973 flood, which predates the 1975 timeframe for existing use evaluation. The individuals reporting these observations were primarily long-term nearby residents, living nearby from 35 to over 60 years. Therefore, these interviews within the classified section of River des Peres indicate very infrequent historical recreation use.

Three individuals (Welsch, Jeffries, and Bacott) reported personal or anecdotal observations of secondary contact recreation uses within unclassified reaches of River des Peres, within University City. This area is more than 10 miles upstream of the uppermost classified segment (Missouri Water Body Identification 1711). Therefore, these secondary contact use observations should not be considered for use attainability decisions within the classified segments.

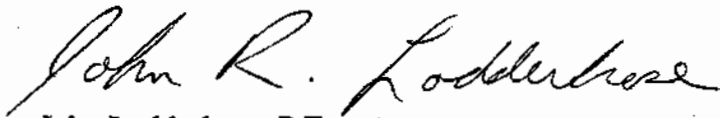
We request the removal of WBCR use within the classified segments of River des Peres. This recommendation is supported by the lack of existing WBCR uses and presence of natural, ephemeral, intermittent, or low flow conditions that prevent WBCR use attainment. Stream depth transects were performed at thirteen equally spaced locations (1000 foot intervals) within the classified stream segments. In addition, nine stream depth transects were measured within the two miles of unclassified stream immediately upstream of the classified segments to thoroughly characterize stream morphology. None of the average or maximum depths measured at the twenty-one stream transect sites within the classified and unclassified stream met the WBCR depth criteria. Therefore, WBCR use should be removed.

In addition to this UAA factor, natural concentrations of bacteria, non-remedial human caused conditions, hydrologic modifications, and substantial and widespread social and economic impacts may prevent WBCR use attainment. If necessary, we will submit information on these other UAA factors when available.

The Metropolitan St. Louis Sewer District sincerely appreciates the efforts expended by MDNR and the Missouri Clean Water Commission related to the River des Peres UAA.

Sincerely,

Metropolitan St. Louis Sewer District



John Lodderhose, P.E.  
Assistant Director of Engineering  
Environmental Compliance

C: Tom Hermann  
Ed Galbraith  
Phil Schroeder



-ADpostmark date or stamp.

-original envelope attached to  
Miss. R comment.

SMB 9-28-05

Lodderhose, John  
2 82



**Midwest  
Environmental  
CONSULTANTS**  
*Sound Environmental Solutions*

2014 Williams Street  
Jefferson City, MO 65109

Ms. Marlene Kirchner

Secretary, Missouri Clean Water Commission

PO Box 176

Jefferson City, MO 65102

*River des Peres*

*Marino, Julie*

CARE  
Citizens Against River Exemption  
11141 Glacier Drive  
St. Louis, MO 63146

November 18, 2005

The Honorable Stacia Bax  
Use Attainability Analysis Coordinator  
P. O. Box 176  
Jefferson City, MO 65102

Dear Ms. Bax:

We are Citizens Against River Exemption (CARE), a group of Missourians that fights for the sanitation of our rivers. We are troubled by the decision of the Clean Water Commission (CWC) to exempt one hundred and forty two rivers from the new water quality rules. These rules, established by the Clean Water Act, involve disinfecting sewage before it comes in contact with these bodies of water. This preventative measure helps keep rivers pathogen-free for the safety of the public. However, rivers such as the Mississippi River, River des Peres, Maline Creek, and Coon Creek will be officially excluded from this safety precaution if the Environmental Protection Agency confirms the CWC's decision. Our purpose as an organization is to persuade elected officials to have these exceptions removed from the Clean Water Act.

We are writing you to ask for your support in CARE's fight for sanitary rivers. The people involved in this organization care about the citizens who will be affected by this legislation. As members, we believe that if the Environmental Protection Agency passes this exemption request, it will be due to poor judgement. Allowing waste to run into our rivers could have detrimental effects. Sewage can carry the bacteria known as *Escherichia coli*, or *E. Coli*, which has the potential to infect anyone who comes in contact with the contaminated water. Besmirched water may also carry other harmful bacteria, as well as parasites. Incorporating all rivers under the Clean Water Act's updated water quality rules will prevent civilians from experiencing preventable illnesses.

We hope you understand our concerns. We urge you to use your influence to persuade the EPA to avoid exemptions of these rivers. Your support would be greatly appreciated. Please contact us with your opinions on the matter.

Sincerely,

*Julie Marino*

Julie Marino  
President of CARE

CARE

11141 Glacier Dr.

St. Louis, MO 63146

1

SAINT LOUIS MO 631

19 NOV 05 PM 07 L



The Honorable Stacia Bax  
Use Attainability Analysis Coordinator  
P.O. Box 176  
Jefferson City, MO 65102

65102-0176



River des Peres

Protection for Mississippi, River des Peres, Maline Creek, Coon Creek - Stacia Bax/WPCP/DEQ/MODNR

Meyer, John



Jjsmlem@aol.com

11/27/2005 06:49 PM

To stacia.bax@dnr.mo.gov

cc

bcc

Subject Protection for Mississippi, River des Peres, Maline Creek,  
Coon Creek

Dear Ms. Bax:

I am a voting citizen of Missouri who favors maintaining the highest water standards for all of our rivers, creeks and watersheds.

Today's waste disposal technology permits the highest standards of pollution control. We should uphold high standards for all sites.

The Mississippi, River des Peres, Maline and Coon Creeks are most important to maintain for recreation because they are close to major population centers. Time and travel cost constraints make them highly desirable for recreational use. They will be used if they are kept clean.

Sincerely yours,

John S. Meyer, MD

River des Peres

Neuman-Howe, Laura

Mrs. Laura Neuman-Howe  
1140 E. Parkedge Lane  
University City, MO 63110

RECEIVED

1/2

2005 NOV 23 AM 10:20

WATER PROTECTION PROGRAM

November 19, 2005

**Clean Water Commission**

c/o Stacia Bax  
Use Attainability Analysis Coordinator  
P.O. Box 176  
Jefferson City, MO 65102-0176

Dear Commissioners:

I am writing to express my support for bringing Missouri's waterways into compliance with the "fishable/swimmable" goal of the Clean Water Act. If we spend the money to clean waterways, our region will be healthier -- physically, economically and psychologically -- in the long run.

I understand that a Use Attainability Analysis (UAA) has been submitted on the River Des Peres in St. Louis County and that an exemption from Whole Body Contact designation is being considered for sections of the River Des Peres. I appreciate the opportunity to comment on the UAA and would like to express my opposition to an exemption and my support for considerations for making the River Des Peres safer for recreation. While I appreciate the costs involved in creating a system whereby raw sewage would not be able to run off into open flowing waterways, I also think that the Metropolitan Sewer District is not fairly considering cost sharing of maintenance versus building infrastructure. I am not willing to share in the costs of building more subdivisions and the unhealthy and poor economic decisions that enable urban sprawl. I think it is more important to our society, and a better value to the community at large, to improve and maintain existing infrastructure.

I live in University City, about a block from the River Des Peres and two blocks from Heman Park, through which the River Des Peres flows. I walk in Heman Park regularly. In the summertime, on numerous occasions, I have seen kids playing down in the water of the River Des Peres where the banks are steep. They have been wading, splashing, and exploring -- definitely interacting with the water and either getting wet or in a situation where it is highly likely that they will get water on them! In the summer, I also see kids wading at the low water pass (where park vehicles drive across the stream) that is between the tennis courts and the central ball fields (east of pool) in the center of Heman Park.

(continued)

**To: Clean Water Commission, From: Neuman-Howe**

Page 2 of 2, November 19, 2005

I don't know the kids personally, and cannot provide names or exact dates of these occurrences, but I suspect that most of the kids live in the 20+ "four-family" flats at Ahern/Perdue and Midland. These apartment's residents change frequently, but there are usually a number of kids, probably 15 to 20, in the complex at any given time. Or the kids may live in the more densely populated apartment complex at Vernon east of Midland.

While I realize that this section of the River Des Peres isn't in your immediate consideration, I think that the allure of a creek like this is irresistible to children and is guaranteed to be explored by them at every stretch of its meandering through densely populated St. Louis County. My son is only two, so he hasn't gotten in the creek yet, but when he is 8 or 10, I wouldn't be surprised if he is exploring it. And I would like to be comfortable with him playing in a creek that goes through the heart of our city's largest park! I ask that you protect my family's health and that of other families who use, or would like to use the River Des Peres by retaining the Whole Body Contact designation for this stream and requiring that wastewater discharges into it be disinfected to the highest level that is reasonable. I add that "reasonable" clause not to give you "wiggle room" to get out of making MSD make improvements to the system, but to suggest that "perfection" is not an appropriate goal here – but improvement is definitely in order. The challenge is in finding that ideal balance between cost and community health. Building out new areas, at cost to existing customers, when existing built up areas need attention is not good, healthy community policy. This leads to abandonment of the inner city, increases pollution in multiple ways (commuting by car is #1), and causes citizens to unconsciously spend more tax dollars on building new schools, roads, and community infrastructure. Our society should stop allowing this poorly thought out approach (that enriches a few developers at cost to the rest of us), and encourage re-investment in already build up areas. Our communities will be much healthier – physically, economically and psychologically – in the long run.

I appreciate and enjoy recreational values of all Missouri's waterways and believe they deserve protection. I urge you to ensure that Missouri's waters fully meet the "fishable - swimmable" goals of the Clean Water Act. Thank you for considering my comments.

Sincerely,



Laura Neuman-Howe  
1140 E. Parkedge Lane  
University City, MO 63110

e-mail: a728laura@hotmail.com

Neuman-Howe, Laura

2 of 2

Laura S. Neuman and  
Jeffrey W. Howe  
1140 E. Parkedge Lane  
University City, MO 63130-2231

SAINT LOUIS MO 631  
21 NOV 05 PM 07 L

Tulip

USA  
37

Worm Water Commission

c/o Stacia Bay

Use Attainability Analysis Coordinator

Box 176

Jefferson City MO 65102-0176

65102-0176



River des Peres  
Maline Creek

Pate, Nathan

public recreational use of river des peres - Stacia Bax/WPCP/DEQ/MODNR



"janet &/or nathan"  
<jknp@sbcglobal.net>  
10/30/2005 04:35 PM

To stacia.bax@dnr.mo.gov

cc

bcc

Subject public recreational use of river des peres

dear stacia bax,  
i don't know where maline creek is, but i do know that  
the river des peres run thru suburban/urban areas  
where many children live. i also know that children,  
by nature, will play in any body of water accessible  
on foot. what kid will not turn over rocks, stomp  
puddles, splash friends, wade, and pick up 'creeky'  
objects while exploring a wet feature in their  
neighborhood? ergo, this stream (and maline?) needs  
to be safe for them to play in.  
sincerely,  
nathan pate  
ellisville,mo.



River des Peres

Reeves, Wm  
10/2

William Reeves, Ph.D.  
238 West Glendale Road  
Webster Groves, MO 63119

November 15, 2005

Stacia Bax  
Use Attainability Analysis Coordinator  
P.O. Box 176  
Jefferson City, MO 65102-0176

RE: Comments on Clean Water Commission Actions for Four Missouri Waters

Dear Ms. Bax:

I am writing the Missouri Department of Natural Resources' Water Protection Program and Missouri Clean Water Commission as a native Missourian who is concerned with preserving this State's natural resources. I hereby submit my comments on the Clean Water Commission's action to exempt the Mississippi River, the River Des Peres, Moline Creek and Coon Creek from Whole Body Contact Recreation (WBCR) designations.

I have over a decade's experience in water quality and environmental science. After earning my Ph.D. in toxicology I was employed by the California State Water Resources Control Board. While with the Board I was responsible for overseeing UAA development and approval, developing water quality standards, reviewing National Pollutant Discharge Elimination System permits, and chairing the Board's Effluent Dominated Waterways work group. Since 2004 I have worked for a local consulting firm conducting risk assessments and evaluating the human health impacts of contaminated water supplies.

WBID 1707, Mississippi River, St. Louis City and County, UAA 0301: The Internal Review Committee (IRC) correctly concluded that the UAA for the Mississippi River failed to demonstrate a lack of WBCR under any of the three factors considered. Nevertheless, the Clean Water Commission chose to ignore its own staff and find the opposite was true. One piece of evidence the Commission seems to have relied on was an assertion by the Metropolitan St. Louis Sewer District claiming that channel velocities in the St. Louis area do not permit WBCR. In fact, Martin Strel, a marathon swimmer, completed a journey from the headwaters to New Orleans in 2002. ([http://www.siol.net/dogodki/martinstrel/lang\\_context.asp?page\\_id=1320](http://www.siol.net/dogodki/martinstrel/lang_context.asp?page_id=1320)) Mr. Strel is not alone. Other marathon swimmers have made similar journeys in various forms over the years. The US Army Corps of Engineers actually includes the topic of swimming the length of the Mississippi River in the Frequently Asked Questions section of its web site. Water skiing is also common in the Mississippi near St. Louis. The Commission also received

information that since Sauget, Illinois has obtained a disinfection waiver from Illinois EPA there is no reason to protect WBCR on the Missouri side of the river. Nothing could be farther from the truth or lacking in sound reasoning. MSD has never had to disinfect its discharge into the river, so could it be possible that Illinois considered MSD's discharge the reason Sauget should not have to disinfect? The correct answer is to disinfect both discharges. These facts aside, nothing in the UAA demonstrates that the factors purported to prevent WBCR from being attained cannot be remedied. This is an essential component of any UAA and without it, the burden of proof outlined in 40 CFR 131.10(g) is not met. The Commission must reverse its decision and retain WBCR for the Mississippi River.

WBID 1710 and 1711, River Des Peres, St. Louis City, UAA 0494: The IRC correctly concluded that the UAA for the River Des Peres failed to demonstrate a lack of WBCR under any of the five factors considered. Nevertheless, the Clean Water Commission chose to ignore its own staff and find the opposite was true, presumably on the basis of hydrologic modifications. Nothing in the UAA or the report on the Commission's findings demonstrates that the hydrologic modifications cannot be operated in such a way as to make the use attainable. This is a key consideration of 40 CFR 131.10(g)(4). Until this demonstration is made, the Commission must reverse its conclusions and retain WBCR for all of the River Des Peres. The Commission should also explain why it chose to ignore comments stating that children wade and play in the river. I agree with the commenter who described the importance of eliminating combined sewer overflows, promoting separate sewers and better managing the river. Perhaps requiring disinfection would provide additional motivation for achieving these goals.

WBID 1709, Maline Creek, St. Louis County and City, UAA 0493: The IRC correctly concluded that the UAA for Maline Creek failed to demonstrate a lack of WBCR under any of the five factors considered. Nevertheless, the Clean Water Commission chose to ignore its own staff and find the opposite was true, presumably on the basis of hydrologic modifications. The letter the Commission relied on to reach this unsupported conclusion is not available on DNR's web site at the address indicated. The record is therefore incomplete and the public is prevented from making comments based on the information before the Commission. This action must be suspended until the public has the opportunity to review the full record. Nevertheless, nothing in the UAA or the report on the Commission's findings demonstrates that the hydrologic modifications cannot be operated or modified in such a way as to make the use attainable. This is a key consideration of 40 CFR 131.10(g)(4). Until this demonstration is made, the Commission must reverse its conclusions and retain WBCR for all of Maline Creek.

WBID 0132, Coon Creek, Randolph County, UAA 0489: The IRC correctly concluded that the UAA for Coon Creek failed to demonstrate that WBCR is unattainable. The creek met the

average depth requirement at one site and an interview provided evidence that the creek contains at least one pool that is three feet deep during base flow conditions. Nevertheless, the Commission chose to ignore the IRC and find that WBCR is not attainable based on a supplemental UAA. This UAA is not available on DNR's web site at the address indicated. The record is therefore incomplete and the public is prevented from making comments based on the information before the commission. This action must be suspended until the public has the opportunity to review the full record before the Commission. Based on the limited information DNR does provide, it appears the Commission chose to base its decision in part on inaccessibility. Nowhere in EPA's water quality standards regulations is there a mention of inaccessibility as a factor to consider when assessing attainability. The Commission is then left only with low flows, a line of evidence refuted by the original UAA and subsequent IRC findings. The Commission must reverse its decision and retain WBCR for all of Coon Creek.

EPA's September 8, 2000 letter to DNR laid out Missouri's failings with respect to complying with the Clean Water Act and explained in no uncertain terms the State's duty in designating uses. "The 'use' of a water body is the most fundamental articulation of its role in the aquatic and human environments, and all of the water quality protections established by the CWA follow from the water's designated use. If a use lower than 'fishable/swimmable' is designated based on inadequate information or superficial analysis, water quality based protections that might have enabled the water to achieve the goals articulated by Congress in section 101(a) may not be put in place. As a result, the true potential of the water body may never be realized, and a resource highly valued by Congress may be forever lost."

The logic and evidence used to justify removing WBCR are inadequate and superficial. The Commission does not have anything in the record upon which to base a decision to remove WBCR for any of the waters discussed in this letter. Furthermore, to remove any use, DNR must conduct an antidegradation analysis and submit it for public review and comment. None is presented so this process cannot move forward. It is unfortunate that the people of Missouri will have to pay the bill for this meaningless exercise in paper shuffling. We deserve better than this.

Sincerely,

*s/William Reeves*

William Reeves, Ph.D.



"Bill Reeves"  
<wr\_reeves@yahoo.com>  
11/14/2005 08:28 PM

To: stacia.bax@dnr.mo.gov  
cc:  
bcc:  
Subject: Comments on Mississippi River, River Des Peres, Maline  
Creek and Coon Creek

---

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<http://farechase.yahoo.com> Reeves\_November 2005 MoDNR UAA Comment Letter.doc

River des Peres

Stacia Bax, Dan

1064

» River des Peres comment - Stacia Bax/WPCP/DEQ/MODNR



"Dan Sherburne"  
<dsherburne@mindspring.co  
m>

11/28/2005 10:52 AM

To stacia.bax@dnr.mo.gov

cc Liscek.Bonnie@epamail.epa.gov

bcc

Subject River des Peres comment

To: Clean Water Commission  
From: Dan Sherburne, Missouri Coalition for the Environment  
Re: River des Peres (WBID 1710 and 1711)  
Date: 11/28/05

The Missouri Department of Natural Resources committee that reviewed the Use Attainability Analysis for these adjacent segments of the River des Peres was unanimous in its determination that the information presented was "Inconclusive" and did not support the removal of Whole Body Contact Recreation use from those segments. The committee found that information in the UAA was inadequate to support removal criteria #1 (Natural Pollutant Sources) and #3 (Non-Remedial, Human-Caused Condition) and noted that a study by the Metropolitan Sewer District concerning criterion #6 (Substantial, Widespread Social and Economic Impact) had yet to be performed. The UAA indicated that Hydrologic Modifications (criterion #4) made swimming unsafe and unlikely and that water flow levels did not meet UAA protocols for depth; both claims were accepted by the MDNR committee. The committee, however, noted that interviews showed that "WBCR was once an active use during periods of moderate to high flow conditions, and children still play and wade in the river."

Despite the committee's recommendation and its affirmation that WBCR (reported in the interviews as occurring since 1975) was an existing use of the River des Peres, the Clean Water Commission--without the required public notice and without any additional evidence to support its position--decided to remove WBCR designation from both segments of the river. The only reasons the CWC cited were "the general condition of the stream due to channelization and effects of urbanization," neither of which are substantive in themselves or consistent with the UAA protocol for removing WBCR use. We strongly object to the capricious nature of this decision as well as the failure to allow public involvement prior to the decision being made. On the basis of these alone, the removal of WBCR use should be set aside and the recommendation of the committee to retain at least interim WBCR use affirmed.

We here offer evidence showing that in fact the average and pool depth criteria are satisfied at several points along the River des Peres and that the hydrological modifications along these segments of the river do not preclude WBCR use or render it unsafe. With respect to the depth criteria, it should be noted that no single method for determining average depth was established or promoted by MDNR in the UAA protocol or anywhere else. Indeed, each of the contractors who performed UAAs had their own methods for calculating average depth, and MDNR personnel themselves employed more than one method. The various methods (some using transects and some not, some measurements taken only on deeper stretches and some taken without regard to run or pool location, some transect measurements done at regular intervals and some not, some measurements rounded to 0.5 feet increments and some not) were not consistent with one another and would have produced different results if used on the same stream. Given this lack of consistency (and the lack of a stated protocol), the average depth measurements across all of the UAAs must be considered unreliable.

In addition, those methods that employed transects across the full width

of streams to generate average depths should be considered invalid, in that they do not provide the intended information--that is, determining if there areas of sufficient size and depth within a stream that would permit WBCR use. A stream with such a WBCR-capable area on one side of a run would have its average depth skewed downward, quite possibly below the 0.5 meter minimum, by a wide, shallow edge on the other using full-width transects. Such a stream configuration was common, we found, on the broad-bottomed channel of the classified River des Peres segments.

Our approach was to find those areas within runs that would meet the average depth criterion and be of sufficient width and length to allow WBCR uses such as swimming. Our method was to walk portions of the stream with a measuring stick and to identify the location, approximate width and length, and range in depth for those areas that met the average depth criterion (i.e., were at least 0.5 meters deep) throughout the area in question. The following information was gathered October 29, 2005. There had been no rain in the St. Louis area for over a week prior to the 30th and only 0.25" of precipitation to date during the month of October. With rainfall totals for the year also well below normal, one can assume that flow in the River des Peres on that date was at no more than base level. Still, the attached photos from October 29-30, 2005 show higher water levels than those in the UAA, taken a year earlier, indicating that water levels when the UAA depth measurements were taken would have been atypically low.

WBCR use-attainable areas (meeting 0.5 meter average depth criterion), moving downstream from I--55 bridge:

I-55 bridge to Union Pacific RR bridge

- run beneath I-55 bridge (38.55288 N, 90.27053 W), approximately 40 meters long and 12-15 meters wide, with depths of 0.5 - 0.7 meters. (See photo RdP1.JPG)
- run just east of bridge approximately 80 meters long, 12-20 meters wide, with depths of 0.5 - 0.6 meters. (See photo RdP2.JPG)
- at eastern end of run, in front of a 3-gate MSD structure, is a broad area with a flat concrete bottom, about 25 meters in diameter, with depths of 0.52 - 0.57 meters. (See photo RdP3.JPG)

Railroad bridge to Lemay Ferry Road-Alabama Ave. bridge

- pool at confluence of Gravois Creek and River des Peres, approximately 15 meters in diameter, with a maximum depth of over 1.05 meter (too deep to wade farther into it to measure). This exceeds the minimum WBCR depth of 1 meter for pools. (See photo RdP4.JPG)
- run along north side of channel (35.54720 N, 90.27144 W), approximately 75 meters long and 5 meters wide, with depths of 0.5 - 0.7 meters. (See photo RdP5.JPG)

Lemay Ferry Road-Alabama Ave. bridge to Broadway bridge

- run beneath Lemay Ferry bridge, approximately 10 meters long and 5 meters wide, with depths of 0.5 - 0.6 meters. (See photo RdP6.JPG, beneath bridge)
- run just south of Lemay Ferry bridge (38.54491 N, 90.27092 W), approximately 20 meters long and 3 meters wide, with depths of 0.5 - 0.7 meters. (See photo RdP6.JPG, downstream from bridge)
- run north of Broadway bridge (38.53871 N, 90.26935 W), approximately 25 meters long and 5 meters wide, with depths of 0.5 - 0.8 meters. (See photo RdP7.JPG)

The lowest 200 meters of the River des Peres, between a second railroad bridge and the Mississippi River, has a larger flow that clearly meets than the average depth criterion and has relatively natural, unmodified

Sherburne, Dan  
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banks. (See photo RdP8.JPG) A fisherman, with a dog, was seen on the south bank of this stretch of the River des Peres on October 28, 2005. It would certainly be deep and broad enough for swimming, kayaking, or waterskiing--all WBCR uses--as well as fishing.

While there is no doubt that there has been substantial modification of the classified segments of the River des Peres, it has not rendered the river merely a stormwater sewer or made WBCR an unattainable use. On our reconnaissance of the river, we observed schools of fish along the entire classified stretch, as well as turtles, frogs, mallards, robins, kestrel, red-tailed hawks, and woodchucks, along with grasses, willows, and other vegetation. A thriving ecosystem it isn't but an ecosystem--in recovery--it is. The river runs through well-populated neighborhoods, is lined by greenways along much of its length, and is bordered on both sides by fairly lightly-travelled parkways. Parking is easily available, and the stream banks are shallow and open enough to be easily climbed and descended (and there are existing and relic roads in places that run to the bottom). A new pedestrian bridge, part of the River des Peres Greenway (to run along the river to the Mississippi River) coordinated by the Great Rivers Greenway District, has recently been opened just upstream of Morganford Rd. All of these make the river readily accessible, and, through efforts of the Greenway District and the River des Peres Coalition, increasingly healthy and attractive as an urban stream.

Our stream depth data has shown that there are numerous stretches where WBCR could occur, and the UAA interviews confirm that people have swum and children do play there. WBCR use is not only attainable but existing, and it is likely to become increasing frequent as the stream recovers and becomes more of an urban attraction. Such uses should be protected by retaining WBCR designation.

Sincerely,  
Dan Sherburne

Research Director  
Missouri Coalition for the Environment  
6267 Delmar Blvd., Ste. 2E  
St. Louis, MO 63130  
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314-727-1665 (fax)  
dsherburne@moenviron.com



RdP8.JPG RdP1.JPG RdP2.JPG RdP3.JPG RdP4.JPG RdP5.JPG RdP6.JPG RdP7.JPG

River des Peres #1

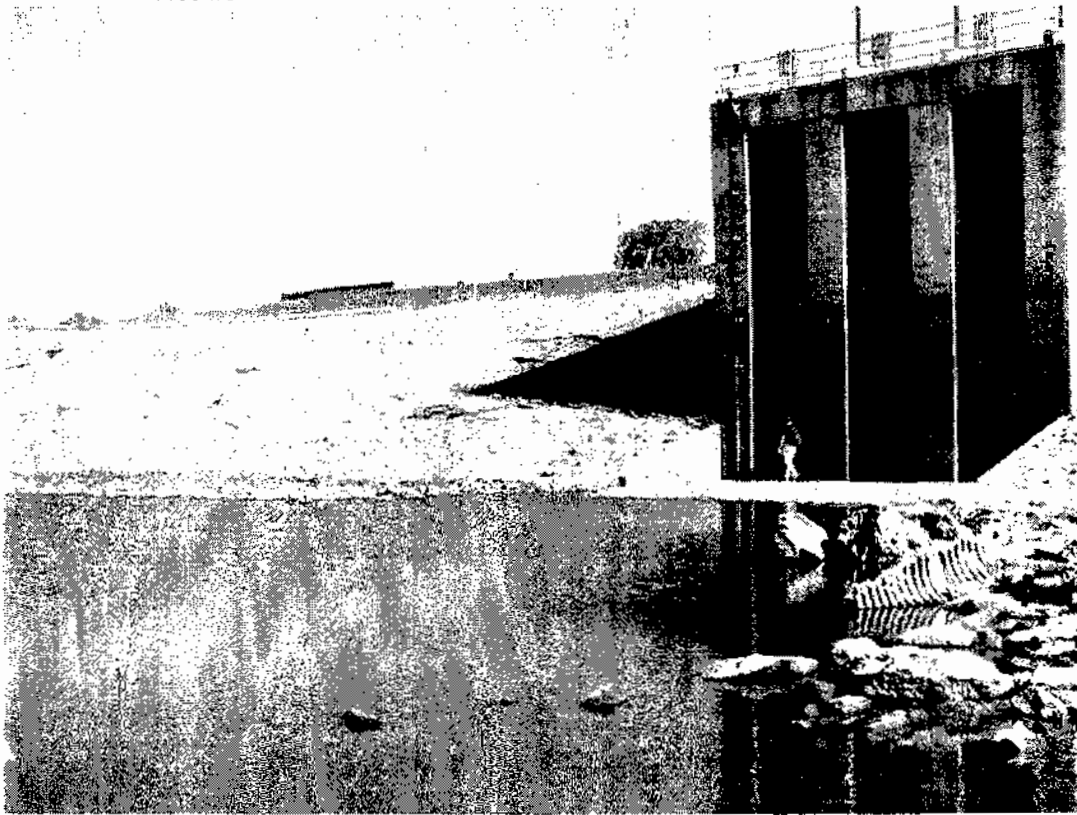


River des Peres #2





River des Peres #3



River des Peres #4



River des Peres #5



River des Peres #6



River des Peres #7



River des Peres #8



Stude, Carl Ted  
182



Marlene  
Kirchner/WPCP/DEQ/MODNR

08/26/2005 07:53 AM

To Phil Schroeder/WPCP/DEQ/MODNR@MODNR, Stacia  
Bax/WPCP/DEQ/MODNR@MODNR, Linda  
Mebruer/WPCP/DEQ/MODNR@MODNR

cc

bcc

Subject Fw: Use attainability analysis - River des Peres (St. Louis  
City & County)

Marlene Kirchner  
Program Secretary  
Water Protection Program  
(573) 751-6721

----- Forwarded by Marlene Kirchner/WPCP/DEQ/MODNR on 08/26/2005 07:52 AM -----



"Carl Ted Stude"  
<studemt@sbcglobal.net>

08/25/2005 11:16 AM

To marlene.kirchner@dnr.mo.gov

cc

Subject Use attainability analysis - River des Peres (St. Louis City &  
County)

I am extremely familiar with the River des Peres and its tributaries both personally and professionally. I have always had a personal interest in the recreational and aesthetic qualities of streams and for ten years lived adjacent to the downstream reach of the River des Peres, where I drove, jogged, or bicycled alongside the channel daily. For another four years lived in a yard with a branch of the Gravois Creek tributary bordering my back yard, and worked to incorporate the channel into the landscaping.

As a professional engineer I was employed by various consulting firms working under contract to the Metropolitan St. Louis Sewer District (MSD) between 1973 and 2002. In that capacity, I performed numerous studies and designs of improvements to the sewers and open channels in the River des Peres watershed.

There are two major factors that limit beneficial use of the River des Peres and its Deer Creek tributary, and both are related to the historical development of the River des Peres as a system for disposing of both stormwater runoff and sanitary sewage. (These comments generally do not apply to the Gravois Creek tributary, which has fewer impairments and more natural potential for beneficial use.)

First, many sections of channel have steep banks and carry high flows of stormwater runoff, making them physically unattractive and hazardous to access. There is a particularly severe hazard of drowning in the University City area, because the open drainage channels there lead into an enclosed section of channel that runs for about four miles through St. Louis. (This enclosed channel is actually a combined sewer that carries several million gallons per day of sanitary sewage, which is intercepted during dry weather where the sewer re-emerges as a paved open channel south of Forest Park.) The open channels in University City are fenced off in some places to discourage access by small children, but this fencing is deteriorated and practically worthless. In fact, there are places where there are unfenced ramps intended for access by vehicles that also provide easy access to people.

Secondly, the water in the lower reaches of the River des Peres system is grossly contaminated by overflows from combined sewers during wet weather. These occur during relatively light rainfalls that exceed about 0.05 inch per hour, because the sanitary interception/treatment system only has "excess capacity" for about 0.02 inch per hour of runoff. (When this system was designed during the 1960s, its capacity was based on the dry weather flow projected to develop by 1985. The fact that dry weather flows

actually decreased caused there to be a little "excess capacity" for light runoff.)

A natural factor that limits the potential beneficial use of the streams in the watershed is that there is practically no flow during periods of dry weather. There are a few pools where the stream channels have been left in somewhat "natural" condition (i.e., not paved), but these are highly unattractive because of the debris deposited in them from littering and CSOs.

The hazardous nature of the River des Peres is generally recognized by people in the area, and those who live near it warn their children to stay away from it. In some 30 years of exceptionally intimate involvement with the watershed, I have only seen people in the channel a few times -- and those involved children who were "exploring" the lower reach of channel when it had only a trickle of water in it.

Because of the way that the lower reaches of the River des Peres system have been incorporated into the combined sewer system, it will be physically and economically impossible to restore the system to an attractive "natural" condition within the foreseeable future. For this reason, it strikes me as absurd that MDNR is apparently considering a requirement that discharges to this system be disinfected. There are so many extremely expensive improvements that must be made to the system just to comply with existing state and federal requirements (and common sense safety issues) that adding a "disinfection" requirement would be illogical and quite possibly even counterproductive.

Why counterproductive? Because it would lend further respectability to MSD's unofficial policy (apparently pursued with the tacit consent of MDNR) of "doing nothing about the problem (of wet weather CSOs) unless somebody makes us." That quote is from a high level MSD official, rejecting my recommendation to incorporate features in designs of sewer system improvements, at minor additional cost, that would be of some benefit in reducing wet weather CSOs. MSD's (unofficially stated) rationale has always been that the cost of addressing the wet weather CSO problem would be so overwhelming that it simply should not be undertaken. And to justify this policy, MSD engages in a continuing campaign of denying the severity of the CSO problem. For example, the "Information on Combined Sewer Overflows" on MSD's website states that CSOs only occur from heavy rain events, and rather than acknowledge that they contain raw sewage that represents a health hazard and kills all beneficial aquatic life, states only that they "may contain impurities that can present water quality problems."

Instead of upgrading the standards for the River des Peres, MDNR should require MSD to develop and begin implementing a long-term strategy for complying with existing requirements for control of wet weather CSOs. In particular, MSD is deliberately ignoring two components of EPA's "Nine Minimum Control" Requirements: (1) utilization of the storage capacity of the existing sewers and (2) removal of floatable and settleable substances from CSOs. The discharge of raw sewage is further prohibited by MDNR's general water quality criteria, which apply whether or not a stream is classified.

Here are a few things that I believe would be realistic elements of a long-term plan:

1. Honestly acknowledge the problem as a prerequisite to correcting it.
2. Place priority on controlling or eliminating the CSOs that are farthest upstream. Some of the branches of the River des Peres and Deer Creek have the potential to be attractive in appearance and support minor aquatic life (though not "fishing and swimming") if wet weather discharges to them are essentially eliminated. Get public input in setting priorities, and not only by holding hearings because those tend to attract people with extreme viewpoints.

Stude, Carl Ted

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3. When major repairs are done on sewers, give preference to replacement with separate sewers. Utilize new construction techniques in doing this, such as bored sewers and curved pipes (presently discouraged by MSD's ultra-conservative "design standards").
4. Consider enclosing the middle River des Peres channel and the east half of the lower River des Peres channel (downstream of Deer Creek) with a dam near its outlet to the Mississippi River that would permit it to be used for storage of wet weather flow. Yes, this would be very expensive, but so was the work that was done on the River des Peres during the 1920s, with considerably more primitive construction equipment.

Correcting the problems of the River des Peres may very well take more than a lifetime. But governments (including MDNR and MSD) have infinite lives and have a responsibility for planning for the long term.

Carl Ted Stude  
Professional Engineer  
1252 Takara Court  
Town & Country, MO 63131

River des Peres

Deer Creek, River Des Peres - Comments on Use Attainability Analysis - Stacia Bax/WPCP/DEQ/MODNR

Wilson, David

183



"David Wilson"  
<david.wilson@ewgateway.or  
g>

11/03/2005 02:50 PM

To stacia.bax@dnr.mo.gov

cc

bcc

Subject Deer Creek, River Des Peres - Comments on Use  
Attainability Analysis

Dear Clean Water Commission:

I sent you an email regarding the Mississippi River, but I thought I also should comment on the River Des Peres in St. Louis also.

My wife and I have a favorite place on Deer Creek behind the bistate bus depot at Brentwood and Marshall. Bi state is required to maintain a wetland there, an area with cat tails, etc., in the flood plain. The river curves north there and goes under an ancient rail tressle. there is a beautiful swimming hole there, where I am sure kids used to swim (50, 80 or 100 years ago) and where they would still be swimming if the river were swimmable. There are trails that come down to the river in a couple of places from the southeast side, so it appears that kids still come down there to play and wade.

The catch 22 of the current DNR proposal seems to be that if a river like this is too pollluted to swim, then no one will swim in it and thus it need not be cleaned up since no one swims in it. If Deer Creek were swimmable, I would expect to see a lot of kids down there on a summer day - including my kids ( and I would be jumping off the tressle with them). I was talking recently to a woman who grew up in Ladue, and she said she remembers wading in the creek back in the 50s.

According to one of the 303d maps that I saw, it appeared that this section of Deer Creek is part of the River Des Peres listing.

Also, when I used to live in U City, we would hike the RDP from Ruth Park to Heman park. My son Alex and I went wading in it a couple of times, but we don't want to admit that we could be so "stupid".

I also am concerned that the way the listing seems to read, a shallow creek need not be kept "swimmable".

But we have property near the Courtois Creek in Crawford County, and when my kids were younger, they would play all day in the creek ( the deepest pools are only three feet) and they were happy sitting in the three or four inches of water, splashing and building mini dams, and we parents could happily let them play because it was shallow and therefore safe for little kids....

I cannot imagine a policy that suggests smaller creeks don't have to be kept healthy, since many landowners throughout the Ozarks could be negatively affected by actions of neighbors up stream (especially if the upstream neighbors decide to build a subdivision and put in a sewer and treatment system that is inadequate...

One more incident: in 1978 I went out to St. Charles County to visit with a farmer whose home was close to a small creek. He and his wife were distraught because a landowner a half mile upstream had built a dam across the creek. The dam building had of course disrupted the stream flow, but once the lake was completed the stream quality was destroyed. And this farmer and his wife had been using the stream as their source of drinking water!!! They had a hose that essentially ran from the creek into their kitchen. The dam had been built without a Corps of Engineers permit, but no



matter, the Corps approved it after the fact and the farmer had no recourse. That had the biggest impact on me, because I realized then how far most of us city dwellers are from that personal dependence on clean water, and yet it has been available to people who practice good stewardship, right up to the present day....

DNR is responsible for protecting the water quality in all of our rivers and streams. Our state's tourist and recreational economy relies on these streams. We can not be successful in the long run if we do not protect even the small tributaries.

David A. Wilson  
450 West Jackson Road  
St. Louis, MO 63119



# MAPQUEST

**Notes:**




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**Brentwood & Marshall Intersection on Deer Creek  
to River des Peres #1711 (C) = ~6.5 miles**



## Legend

 MoDOT Roads  
 County Boundaries



0 0.2 0.4 0.8 Miles

1 inch equals 0.378788 miles

Map Made November 30, 2005

Wilson, David 383

River des Peres & Deer Creek (unclassified) St. Louis County  
HUC 8 = 07140101  
Brentwood & Marshall Intersection on Deer Creek  
to River des Peres #1711 (C) = ~6.5 miles



## Legend

County Boundaries



0 0.2 0.4 0.8 Miles

1 inch equals 0.378788 miles

Map Made November 30, 2005

River des Peres & Deer Creek (unclassified) St. Louis County

HUC 8 = 07140101

Brentwood & Marshall Intersection on Deer Creek  
to River des Peres #1711 (C) = ~6.5 miles



## Legend

County Boundaries



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1 inch equals 0.378788 miles

Map Made November 30, 2005